

REMARKS

In the November 2, 2004 Office Action, all of the elected pending claims (i.e. claims 1-7, 12-22 and 26-30 directed to the elected embodiment *I* of Figures 1-12) stand rejected in view of prior art. Also, claim 30 was objected to for an informality. Claims 8-11 and 23-25 have been withdrawn from consideration as being directed to non-elected embodiments of the present invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the November 2, 2004 Office Action, Applicant has amended the claims as indicated above. Thus, claims 1-30 are pending, with claims 1, 16 and 17 being the only independent claims. Applicants note that claims 8-11 and 23-25 have been withdrawn from consideration as being directed to non-elected embodiments of the present invention. In any case, reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On February 23, 2005, the undersigned conducted a personal interview with Examiner Jason R. Bellinger, who is in charge of the above-identified patent application. Applicant wishes to thank Examiner Bellinger for the opportunity to discuss the above-identified patent application during the Interview of February 23, 2005.

Basically, claims 16-30 and their respective prior art rejections were discussed during the February 23, 2005 personal interview. Additionally, possible amendments to independent claim 1 (to include an abutment surface to prevent radial movement) were briefly discussed during the February 23, 2005 personal interview. In particular, the undersigned argued that one of ordinary skill in the art would not use the valve holder of Passarotto for mounting spokes based on the teachings of the prior art. Specifically, the undersigned argued that there is no motivation in the prior art to combine the references as suggested in the Office Action to result in the claimed invention of claims 16-30. More specifically, the undersigned argued that it would not have been obvious to use the tubular *valve* element of Passarotto to secure *a plurality* of spokes to the rim. Applicant believes the alleged motivation set forth in the Office Action, "for the purpose of providing reinforcement at the spoke connection portion of the rim, thus decreasing the amount of wear on both the spokes and the rim" is flawed. Passarotto discloses a *single valve holder* and the valve holder does not receive forces from a valve (like a spoke holder/nipple does).

Also, there is no mention of such a benefit in Passarotto or Koen. However, unfortunately, agreement was not reached during the February 23, 2005 interview. Rather, the rejections of the outstanding Office Action of claims 1-7, 12-22 and 26-30 (i.e., all of the pending claims directed to the elected embodiment *I* of Figures 1-12) as being unpatentable over U.S. Patent Publication No. 2002/0014293 to Passarotto in view of U.S. Patent No. 1,042,689 to Koen, and optionally in further view of U.S. Patent No. 4,626,036 to Hinsberg et al. (claim 30) were maintained.

Election of Species

In paragraphs 1 and 2 of the Office Action, Applicant's election of species I (Figures 1-12) without traverse in August 6, 2004 Response was acknowledged. Thus, non-elected claims 8-11 and 23-25 were withdrawn from further consideration. However, Applicant respectfully requests that non-elected claims 8-11 and 23-25 be rejoined in this application upon allowance of a generic or linking claim, or claims. Applicants believe that claims 1-7, 12-22 and 26-30 read on the elected Species I.

Claim Objections

In paragraph 3 of the Office Action, claim 30 was objected to because the term "via" contains no structure and does not positively describe the invention. In response, Applicant has amended claim 30 to clarify that each of the threaded shaft sections is threadedly coupled to a spoke nipple that is rotatably coupled to the central hub and removed the term "via" from the claim. Accordingly, withdrawal of this objection is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraphs 4-6 (pages 2-5) of the Office Action, claims 1-7, 12-22 and 26-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0014293 to Passarotto in view of U.S. Patent No. 1,042,689 to Koen (claims 1-7, 12-22 and 26-29), and optionally in further view of U.S. Patent No. 4,626,036 to Hinsberg et al. (claim 30). In response, Applicant (1) has amended independent claim 1 to more clearly distinguish the prior art, (2) traverses the rejections of claims 16-22 and 26-30. Applicant has amended claim 16 to place this claim in independent form and amended claims 2-7 and 12-15 to depend from claim 16 as indicated above.

With respect to claim 1, independent claim 1 now clearly requires first and second tubular spoke attachment portions defining a spoke receiving space with an internal surface configured and dimensioned to secure an end of a spoke within the spoke receiving space, at

least one of the first and second tubular spoke attachment portions having a rim abutment surface that contacts a radially facing surface of the rim to limit radial movement relative to the rim and being heat fused to a respective one of the outer and inner annular portion.

Clearly this arrangement is *not* disclosed or suggested by the Koen patent, the Passarotto publication or any other prior art of record whether taken alone or in combination. Rather, the Passarotto publication discloses a tubular valve holder member that is fixed to the rim but lacks an abutment surface whatsoever, while the Koen patent discloses conventional removable spoke nipples that are not fixed to the rim. Thus, even if combined as suggested in the outstanding Office Action, such a hypothetical device would not result in the unique arrangement of independent claim 1, as now amended.

With respect to the rejection of claims 2-7 and 12-16, Applicant respectfully traverses this rejection, especially in view of the amendments to claims 2-7 and 12-15. As mentioned above, claim 16 has been amended to place this claim in independent form. Claims 2-7 and 12-15 have been amended to depend from claim 16.

Independent claim 16 requires a plurality of first tubular spoke attachment portions fixedly coupled to the outer annular portion at the outer spoke attachment openings and a plurality of second tubular spoke attachment portions fixedly coupled to the inner annular portion at the inner spoke attachment openings to define a plurality of circumferentially spaced spoke receiving spaces. At least one of the first tubular spoke attachment portions and the second tubular spoke attachment portions are heat fused to one of the outer and inner annular portions, respectively.

Applicant believes there is no motivation or suggestion in the prior art to somehow combine the conventional spoke nipples of the Koen patent with the rim and *single valve holder* of the Passarotto publication as suggested in the Office Action to result in the invention of claim 16. Specifically, the undersigned believes *it would not have been obvious at the time of the present invention to use a plurality of tubular valve* elements of Passarotto to secure *a plurality* of spokes to the rim based on the Koen patent. Applicant believes the alleged motivation set forth in the Office Action, "for the purpose of providing reinforcement at the spoke connection portion of the rim, thus decreasing the amount of wear on both the spokes and the rim", is flawed since (1) Passarotto discloses a *valve holder not a spoke holder/connection*, and thus, there is no spoke connection that needs

strengthening/reinforcing, (2) the valve holder does not receive forces from a valve (like a spoke holder would from a spoke), and (3) because there is no mention of such a benefit in Passarotto or Koen.

It appears that the motivation set forth in the Office Action is created out of thin air in order to reconstruct the claimed invention since there is no such motivation to combine these teachings found in the prior art. In other words, Applicant believes one of ordinary skill in the art at the time of the invention would not use a plurality of valve holders on the rim of the Passarotto publication based on the teachings of Koen. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of the plurality of outer and inner (first and second) tubular spoke attachment portions with at least one of the first tubular spoke attachment portions and the second tubular spoke attachment portions being heat fused to one of the outer and inner annular portions, respectively.

With respect to claims 2-7 and 12-15, these claims now depend from claim 16, and thus, Applicant believes these claims are allowable for the reasons stated above with respect to claim 16. Moreover, non-elected dependent claims 8-11 depend from claim 16, and thus, are believed to be allowable for the reasons discussed above with respect to claim 16. In other words, Applicant respectfully requests that claim 16 be allowed and claims 8-11 be rejoined in this application and also allowed.

With respect to the rejections of claims 17-22 and 26-30, Applicant respectfully traverses these rejections. Independent claim 17 is similar to claim 16. Independent claim 17 requires a plurality of first tubular spoke attachment portions fixedly coupled to the outer annular portion at the outer spoke attachment openings and a plurality of second tubular spoke attachment portions fixedly and directly coupled to the inner annular portion at the inner spoke attachment openings. Each of the second tubular spoke attachment portions has a second internal bore that is aligned with one of the first internal bores of the first tubular spoke attachment portions to form a spoke receiving space. Each spoke receiving space is at least partially threaded. A plurality of spokes are directly threadedly coupled the spoke receiving spaces.

Applicant believes there is no motivation or suggestion in the prior art to somehow combine the conventional spoke nipples of the Koen patent with the rim and *single valve holder* of the Passarotto publication as suggested in the Office Action to result in the invention of claim 17. Specifically, the undersigned believes *it would not have been obvious at the time of the present invention to use a plurality of tubular valve* elements of Passarotto to secure *a plurality* of spokes to the rim based on the Koen patent. Applicant believes the alleged motivation set forth in the Office Action, "for the purpose of providing reinforcement at the spoke connection portion of the rim, thus decreasing the amount of wear on both the spokes and the rim", is flawed since (1) Passarotto discloses a *valve holder not a spoke holder/connection*, and thus, there is no spoke connection that needs strengthening/reinforcing, (2) the valve holder does not receive forces from a valve (like a spoke holder would from a spoke), and (3) because there is no mention of such a benefit in Passarotto or Koen.

It appears that the motivation set forth in the Office Action is created out of thin air in order to reconstruct the claimed invention since there is no such motivation to combine these teachings found in the prior art. In other words, Applicant believes one of ordinary skill in the art at the time of the invention would not use a plurality of valve holders on the rim of the Passarotto publication based on the teachings of Koen. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of the plurality of outer and inner (first and second) tubular spoke attachment portions fixedly and fixedly/directly coupled to the respective outer and inner annular portions.

With respect to claims 18-22 and 26-29, Applicant believes these claims are allowable for the reasons stated above with respect to claim 17, from which they depend. Moreover, non-elected dependent claims 23-25 depend from claim 17, and thus, are believed to be allowable for the reasons discussed above with respect to claim 17. In other words, Applicant respectfully requests that claim 17 be allowed and claims 23-25 be rejoined in this application and also allowed.

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Finally, with respect to claim 30, the Hinsberg et. al. patent fails to account for the deficiencies of the Passarotto publication and the Koen patent discussed above with respect to independent claim 17, from which claim 30 depends. Accordingly, this combination fails to disclose or suggest all of the features of claim 30.

Applicant believes that combining the references as suggested in the Office Action requires impermissible hindsight reasoning in an attempt to reconstruct the claimed invention based on isolated features from different prior art references. In other words, if the Passarotto publication, the Koen patent and the Hinsberg et. al. patent were some how modified to meet the claims of the present invention, it would require a complete reconstruction based on hindsight reasoning not the teachings of the prior art.

Therefore, Applicant respectfully requests that these rejections be withdrawn in view of the above comments and amendments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-30 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this amendment, please feel free to contact the undersigned.

Respectfully submitted,



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